



INTERIOR BOARD OF INDIAN APPEALS

Kawerak, Inc. v. Assistant Secretary - Indian Affairs

28 IBIA 66 (06/14/1995)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

KAWERAK, INC.,	:	Order Docketing and Dismissing
Appellant	:	Appeal
	:	
v.	:	
	:	
ASSISTANT SECRETARY - INDIAN	:	Docket No. IBIA 95-122-A
AFFAIRS,	:	
	:	
Appellee	:	June 14, 1995

On June 7, 1995, the Board of Indian Appeals received a notice of appeal from Kawerak, Inc., through counsel, Jim Valarce, Esq., Nome, Alaska. Appellant seeks review of a May 3, 1995, decision of the Assistant Secretary - Indian Affairs (Assistant Secretary), concerning the distribution of approximately \$800,000 in FY 1995 funds appropriated for use by tribal entities impacted by declining salmon returns to the Arctic-Yukon-Kuskokwim area of Alaska.

The initial decision in this matter was issued by the Deputy Commissioner of Indian Affairs on March 10, 1995. Appellant filed a notice of appeal from that decision, following which the Assistant Secretary assumed jurisdiction over the appeal pursuant to 25 CFR 2.20(c). ¹/

Under 25 CFR 2.20(c), the Assistant Secretary's decision is final for the Department of the Interior. See also 25 CFR 2.6(c); Three Irons v. Acting Assistant Secretary - Indian Affairs, 19 IBIA 46 (1990); Spokane Tribe of Indians v. Acting Assistant Secretary - Indian Affairs, 18 IBIA 379 (1990) (The Board lacks authority to review decisions of the Assistant Secretary, except where they are specially referred to it by the Secretary or the Assistant Secretary, or where a right of review is established by regulation).

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is docketed but is dismissed for lack of jurisdiction.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge

¹/ Appellant filed a notice of appeal with the Assistant Secretary but not with the Board. By memorandum of April 21, 1995, the Assistant Secretary furnished the Board with a copy of the notice of appeal and informed the Board of her intent to assume jurisdiction over the appeal. In essence, the Assistant Secretary referred the case to the Board and assumed jurisdiction over it at the same time.